



INTERIOR BOARD OF INDIAN APPEALS

Estate of James Howling Crane, Sr.

12 IBIA 257 (05/31/1984)

Denying reconsideration of:
12 IBIA 209



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF JAMES HOWLING
CRANE, SR.

: Order Denying Petition for
: Reconsideration
:
: Docket No. IBIA 83-20
:
: May 31, 1984

On May 24, 1984, the Board of Indian Appeals (Board) received a letter from Juanita Howlingcrane Onco (petitioner), an appellant in Estate of James Howling Crane, Sr., 12 IBIA 209 (1984), expressing her dissatisfaction with the Board's decision. This letter will be treated as a petition for reconsideration.

Reconsideration is addressed in the Board's regulations in 43 CFR 4.315. Paragraph (a) of that regulation states:

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from receipt of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted.

The Board ascertained from the Anadarko Land Titles and Records Office, to whom the probate record in this estate had been returned, that petitioner's copy of the Board's decision was accepted by James Howlingcrane, Jr., on March 30, 1984. The 30-day period for the filing of a petition for reconsideration thus expired on April 30, 1984. 43 CFR 4.310(c). The petition was postmarked May 21, 1984, and was, therefore, not timely filed. 43 CFR 310(a). The Board will not consider an untimely petition for reconsideration.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration is denied as untimely filed.

//original signed
Bernard V. Parrette
Chief Administrative Judge

We concur:

//original signed
Anne Poindexter Lewis
Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge